

NUNC PRO TUNC

JUN 27 2008

FILED

1 WILLIAM JOHN DAUGHTERY

2008 JUL -3 AM 10:21

2 CDCR # F79985

CLERK U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

3 P.O. BOX 2349/DIO-110UP

4 CHUCKAWALLA VALLEY STATE PRISON

BY DB DEPUTY

5 BLYTHE, CALIFORNIA 92226

6 UNITED STATES DISTRICT COURT

7 SOUTHERN DISTRICT OF CALIFORNIA

8 WILLIAM JOHN DAUGHTERY, ) CIVIL CASE NO. 08 CV 0408 WQH (BLM)

9 PLAINTIFF, V. ) MOTION AND REQUEST FOR ISSUANCE

10 DENNIS WILSON, S.D.P.D., )

OF CIVIL SUBPOENA (DUCES

11 ES MERALDA TAGARAN, S.A.P.D., )

TECUM) FOR PRODUCTION OF

12 SGT. GRIFFIN, S.D.P.D., )

DOCUMENTS AS DISCOVERY AND

13 DET. LEMUS, S.D.P.D., )

EXHIBITS FOR JURY TRIAL

14 CITY OF SAN DIEGO, )

WITH DECLARATIONS AND PROOF

15 SANDIEGO POLICE DEPT. )

OF SERVICE. F.R.C.P. Rule 45

16 DEFENDANTS

17 DATE: 19 JUNE 2008

18 I, WILLIAM JOHN DAUGHTERY, PETITIONER AND PLAINTIFF

19 IN THE ABOVE ACTION, PROCEEDING PRO SE AND IN

20 FORMA PAUPERIS, DO HEREBY REQUEST AND MOVE THAT

21 THE COURT ORDER THE PRODUCTION OF THE BELOW LISTED

22 DOCUMENTS, RECORDS AND MATERIALS, INCLUDING ALL

23 PRESERVED BY MEANS MECHANICAL, ELECTRONIC OR

24 OTHERWISE, AND THAT SAID DOCUMENTS BE DELIVERED

25 INTO THE CUSTODY OF THE PLAINTIFF, PURSUANT

CONTINUED

WILLIAM JOHN DAUGHTERY V. D. WILSON, ETAL.  
CIVIL CASE NO.  
08 CV 0408 WQH(BLM)

DATE: 19 JUNE 2008

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1 MOTION AND REQUEST FOR ISSUANCE OF SUBPOENA  
2 PRODUCTION OF DOCUMENTS AS DISCOVERY

3  
4 TO FEDERAL RULES OF CIVIL PROCEDURE, RULE(S)  
5 26, 37 AND 34. THE PARTY NAMED BELOW HAS  
6 CONTROL AND POSSESSION OR WILL ACQUIRE POSSESSION  
7 OF THE FOLLOWING LISTED DOCUMENTS OR MATERIALS  
8 WHEREAS THEY ARE MATERIAL TO THE PROOF OF  
9 THE ISSUES INVOLVED IN THIS CASE. GOOD CAUSE  
10 EXISTS FOR THE PRODUCTION OF MATERIALS AND NOTE  
11 OF RELEVANCE AND PROBATIVE VALUE FOLLOWS DESCRIPTION  
12 OF EACH REQUESTED ITEM. THE COURT IS REQUESTED  
13 TO IMPLEMENT THE PRESCRIBED PENALTIES FOR  
14 FAILURE TO COMPLY WITH ITS ORDER. (FRCP 37)  
15 AND IT IS FURTHER REQUESTED THAT PRODUCTION AND  
16 DELIVERY BE PERFORMED WITHIN A REASONABLE PERIOD,  
17 AND AS PETITIONER IS IN FORMA PAUPERIS, THAT  
18 ALL FEES INCURRED IN ISSUING AND SERVICE OF SUBPOENA  
19 BE BORNE AND ADVANCED BY THE UNITED STATES  
20 PENDING SUCCESSFUL SETTLEMENT OR VERDICT.  
21 IN THE CASE OF MEDICAL RECORDS OF REQUESTOR, ALL  
22 LEGAL CLAIMS REGARDING PRIVACY ISSUES ARE HEREBY  
23 RELINQUISHED AND POSSESSOR IS NOT HELD LIABLE FOR  
24 OBEDIENCE TO COURT'S COMMAND TO PRODUCE. WRITTEN  
25 OBSERVATIONS AND CONCLUSIONS MAY BE SUBSTITUTED IN LIEU  
26 OF RADIOGRAPHIC (INCLUDING X-RAY AND SONOGRAMS) IF  
27 REPRODUCTION OF SUCH IMPOSES 'UNDUPLICATE BURDEN' AND  
28 EXPENSE,

WILLIAM DAUGHTERY  
CDCR #79985  
P.O. Box 2349/DIO-T/OUT  
BLYTE, CA. 92226

DATE: 19 JUNE 2008

RE: 08CV0408 WQH(BLM)

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REQUEST for CIVIL SUBPOENA (DUCISTECUM)

FEDERAL RULES of CIVIL PROCEDURE RULE 45(a)(1)(C) & (D)

ADVISEMENT TO SUBPOENAED

F.R.C.P. 45(a)(1)(C)

COMBINING OR SEPARATING COMMAND TO PRODUCE OR PERMIT  
INSPECTION, SPECIFYING THE FORM FOR ELECTRONICALLY STORED  
INFORMATION; A COMMAND TO PRODUCE DOCUMENTS, ELECTRONICALLY  
STORED INFORMATION OR TANGIBLE THINGS OR TO PERMIT THE  
INSPECTION OF PREMISES MAY BE INCLUDED IN A SUBPOENA  
COMMANDING ATTENDANCE AT A DISPOSITION HEARING, OR TRIAL  
OR MAY BE SET OUT IN A SEPARATE SUBPOENA. A SUBPOENA MAY  
SPECIFY THE FORM OR FORMS IN WHICH ELECTRONICALLY STORED  
INFORMATION ~~IS~~ IS TO BE PRODUCED.

F.R.C.P. 45(a)(1)(D)

COMMAND TO PRODUCE; INCLUDED OBLIGATIONS: A COMMAND  
TO PRODUCE DOCUMENT, ELECTRONICALLY STORED INFORMATION  
OR TANGIBLE THINGS REQUIRES THE RESPONDING PARTY  
TO PERMIT INSPECTION, COPYING, TESTING OR SAMPLING  
OF THE MATERIALS.

THE COURT IS REQUESTED TO COMMAND THE PRODUCTION AND  
DELIVERY TO MOVANT THE FOLLOWING DESCRIBED MATERIALS;  
INCLUDING THOSE MECHANICALLY AND/OR ELECTRONICALLY  
STORED:

WILLIAM DAUGHTERY  
F-79985 CDCR#  
P.O. Box 2349  
Blythe, CA. 92226

6-19-08

RE: 08CV0408 WQH (BLM) PAGE 4

REQUEST FOR CIVIL SUBPOENA (DUCESS TECLIM)

ITEMS TO BE PRODUCED:

I. MEDICAL RE: 451-04-8591

ALL MEDICAL RECORDS FOR THE ABOVE NAMED

INDIVIDUAL FOR THE PERIOD (DATE) 9 MARCH 2006

UNTIL (DATE) 12 MARCH 2006. INTAKE SCREENING INCL.

II. PSYCHOLOGICAL RE: 451-04-8591

ALL PSYCHOLOGICAL RECORDS FOR THE ABOVE NAMED

INDIVIDUAL FOR THE PERIOD (DATE) 9 MARCH 2006

UNTIL (DATE) 12 MARCH 2006. INTAKE SCREENING INCL.

THIS REQUEST ACTS AS **RELEASE** OF MEDICAL INFORMATION  
CONSENT BY THE PATIENT / PLAINTIFF IN THIS ACTION!

THE REQUESTED ITEMS ARE MAINTAINED AT:

SAN DIEGO COMMUNITY MENTAL HEALTH (RE: 451048591)

3274 ROSECRAWS STREET

SAN DIEGO, CALIFORNIA 92110

PHONE # (619) 226-2663

A COPY OF THIS DOCUMENT HAS BEEN MAILED TO ATTORNEY'S FOR  
DEFENDANTS AND I CERTIFY AND SWEAR THE FOREGOING IS TRUE.

MICHAEL J. AGUIAR, City Attorney

C/O WENDY DAVISSON, DEPUTY CITY ATTY.

1200 THIRD AVE, SUITE 1100

SAN DIEGO, CA. 92101

WILLIAM DAUGHTERY

DATE: 19 JUNE 2008